

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF NEW MEXICO

DAVID KYLE ZUFALL,

Plaintiff

v.

CIV 08-0958 WJ/CG

ROBERT IRISH, et al.,

Defendants.

**ORDER TO SHOW CAUSE**

This matter is before the Court on Defendants' Martinez Report, which they reserved and mailed to Plaintiff's new address of record and this Court's order that Plaintiff file his response by April 30, 2010. *See Docs. 53-56.* The Court's "Notice Of Filing" shows that the order requiring Plaintiff's response was mailed to his new address. *See Doc. 56* ("NEF"). There is no indication that this Court's order or Defendant's *Martinez* Report have been returned as undeliverable.

To-date, Plaintiff has not filed his response. In the event Plaintiff has moved, he has not advised the Court of his new address as required by D.N.M.LR-Civ 83.6 ("All . . . parties appearing *pro se* have a continuing duty to notify the Clerk, in writing, of any change in . . . mailing addresses"). He is obviously aware of this requirement because he has filed a notice of change of address in the past. *See Doc. 54.*

The Court has the inherent power to impose a variety of sanctions on litigants in

order to, among other things, regulate its docket and promote judicial efficiency. *Martinez v. Internal Revenue Service*, 744 F.2d 71, 73 (10<sup>th</sup> Cir. 1984). One such sanction within the discretion of the Court is to dismiss an action for want of prosecution. *E.g.*, *Nat'l Hockey League v. Metro. Hockey Club, Inc.*, 427 U.S. 639, 642-43(1976); *Link v. Wabash R.R. Co.*, 370 U.S. 626, 629-30 (1962); *see also Costello v. United States*, 365 U.S. 265, 286-87 (1961) (district court may dismiss *sua sponte* for failure to comply with order of court); *United States ex rel. Jimenez v. Health Net, Inc.*, 400 F.3d 853, 855 (10<sup>th</sup> Cir. 2005) ("dismissal is an appropriate disposition against a party who disregards court orders and fails to proceed as required by court rules.").

Based on Plaintiff's failure to comply with local rules and the lack of activity in this case, he will be required to show cause why this case should not be dismissed.

Wherefore,

**IT IS HEREBY ORDERED THAT** no later than Friday, June 4, 2010, Plaintiff shall file a written document with the Court showing his current address and showing cause why this case should not be dismissed. Plaintiff is also hereby notified that failure to respond to this Order may result in dismissal without further notice.



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UNITED STATES MAGISTRATE JUDGE